

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Review of the Commission's Rules)	MM Docket No. 97-138
regarding the main studio and)	
local public inspection files of)	
broadcast television and radio)	
stations)	
)	
47 C.F.R. §§ 73.1125, 73.3526)	
and 73.3527)	

**COMMENTS
OF
POSITIVE ALTERNATIVE RADIO, INC., ET AL.**

Comes now **Positive Alternative Radio, Inc., et al** ("PAR")¹, by Counsel, and pursuant to the *Notice of Proposed Rule Making ("NPRM")*, FCC 97-182 (released May 28, 1997) hereby submits these Comments in the above-captioned rule making proceeding. In support hereof, PAR submits the following:

1. PAR supports both the relaxation of the main studio rules and the local public inspection file rules. In keeping with the spirit of the *Paperwork Reduction Action of 1980 (44 U.S.C. 3507)* the time has come for the federal government to reduce or eliminate outdated and ineffective regulatory burdens on broadcasters so that their energies and resources may be better directed to serve the public interest with responsive programming.
2. PAR understands that traditionally the main studio and local public

¹ PAR and/or its principals -- Vernon H. Baker, Virginia A. Baker and Edward A. Baker -- either individually or through various corporations, is the licensee or permittee of over thirty radio stations.

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file rules were applied simultaneously to provide local citizenry reasonable access to a broadcaster's studios and public file documents. However, these rules have their genesis from an age where high-tech, high-speed communications was a rotary telephone instead of wall unit with a crank mechanism.² The fax machine had not yet been invented, nor had the photocopier been fully developed. And, the nation's network of intrastate and interstate roads were just beginning to be constructed. These are just a few simple examples. Nevertheless, no one can deny that times have changed drastically. Certain government regulations, such as the main studio and local public inspection rules, need to be revamped to reflect such changes.

3. PAR supports a mileage rule for the location of all broadcast main studios, specifically between 40 and 50 miles. A 40-50 mile rule is sensible because most persons today would not hesitate to drive such a distance for matters that are really important. Also, a 40-50 mile rule would permit a broadcaster with multiple stations in the same broadcast market to reasonably co-locate all or most of its main studios, thus economizing operational expenses so that more energy and funds may be directed towards presenting community responsive programming. The location of a station's studios and offices in the present day should be a business decision made by the licensee for the convenience of its employees, listeners and sponsors.³

² Most of today's main studio and local public file rules were derived from 1950 and 1965 rulings. *See, NPRM at fn. 4.*

³ When broadcasters exercise poor judgment regarding programming, studio locations, or any other matter, the marketplace forces require such broadcaster to make adjustments in due time. No broadcaster will purposely act to the detriment of his business. However, bad business decisions are reflected in lower audience ratings, poor sales or sponsorships, and the lack of an adequate "applicant pool" for job openings. Broadcasters do not need outdated and intrusive rules to force them to be better businessmen -- the marketplace will

4. PAR and its principals have operated broadcast stations for more than forty years. In that time, only two or three persons have ever visited their stations for the purpose of inspecting the local public file or expressing a complaint. Today, almost all communications is done by telephone, fax, overnight letter, and the Internet. Face-to-face communications is a rarity. Clearly with all the advancements in modern communications, the public can find out what they mostly want to know via telephone or facsimile.

5. With respect to a station's public file, PAR similarly supports a relaxation of such rules. First, only documents that impact or relate to the station's current operations should be required to be maintained in the local public file. Examples of such documents are the current ownership report, current Annual Employment Report, current license or permit, most recent application to modify facilities, most recent political time requests, current contest rules, and most recent issues-programs lists. PAR submits that "current" should be interpreted as 1-2 years. While it may be good business practice for a broadcaster to maintain such records for the duration of its eight-year license in its storage file, the public file should only contain the most current information./⁴

6. In today's age of high-tech compute equipment, PAR believes that many stations have the compute capability to scan all documents required to

force such adjustments in due time.

⁴ Such a rule would cut down on the number of nuisance documents requests which some broadcasters claim become common practice just before license renewal time. If a party is truly disgruntled with a station's long-term performance, it would visit the station on a regular basis to review or photocopy such current public file documents. Thus, there should never be a need for a broadcaster to suddenly dig up, collect, or photocopy years worth of documents at the last minute.

be placed in its public file. In those situations, a broadcaster should be able to maintain its public file on a computer disk, so long as a computer is made available to anyone desiring to view such documents./⁵

WHEREFORE, the above premises considered, PAR supports the proposed relaxation of the main studio and local public inspection rules.

Respectfully submitted,

**POSITIVE ALTERNATIVE RADIO, INC.,
ET AL.**

By: 
Cary S. Tepper

Its Attorney

Booth, Freret, Imlay & Tepper, P.C.
5101 Wisconsin Avenue, N.W.
Suite 307
Washington, D.C. 20016

(202) 686-9600

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⁵ PAR is not suggesting that broadcasters be required to maintain a copy of their Public File on the Internet. Rather, to reduce the amount of file space needed by broadcasters, there is no reason why the contents of the Public File could not be scanned and maintained on a simple computer imaging system (such as a typical computer disk) so long as the general public is provided viewing access at the broadcaster's Main Studio.